

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY**

**FEE APPLICATION COVER SHEET**

Debtors: Daryl Fred Heller Applicant: McManimon, Scotland & Baumann, LLC  
Case No.: 25-11354 (JNP) Client: Daryl Fred Heller  
Chapter: 11 Case Filed: February 10, 2025

**SECTION 1  
FEE SUMMARY**

☒ Interim Fee Application No. 1<sup>st</sup> or ☐ Final Fee Application

	<u>FEES</u>	<u>EXPENSES</u>
Total Previous Fee Requested: <sup>1</sup>	\$ <u>309,961.50</u>	\$ <u>6,441.01</u>
Total Fees Allowed To Date: <sup>2</sup>	\$ <u>247,969.20</u>	\$ <u>6,441.01</u>
Total Retainer (If Applicable) <sup>3</sup> :	\$ <u>31,307.50</u>	
Total Holdback (If Applicable): <sup>4</sup>	\$ <u>61,992.30</u>	
Total Received By Applicant:	\$ <u>123,163.34</u>	

NAME OF PROFESSIONAL & TITLE	YEAR ADMITTED	HOURS	RATE	FEE
1. Anthony Sodono, III, Partner	1990	166.40	725.00	\$120,640.00
2. Andrea Dobin, Partner	1990	10.90	560.00	\$6,104.00
3. Joshua H. Raymond, Partner	1996	12.30	560.00	\$6,888.00
4. Michele M. Dudas, Partner	2006	6.50	560.00	\$3,640.00
5. Sari B. Placona, Partner	2014	218.40	525.00	\$114,660.00
6. Joseph Zapata, Partner	1999	31.60	375.00	\$11,850.00

<sup>1</sup> These amounts represent 100% of fees and 100% of disbursements requested in McManimon, Scotland & Baumann's monthly fee statements for February, March, April and May 2025.

<sup>2</sup> These amounts represent 80% of fees and 100% of disbursements requested and allowed in McManimon, Scotland & Baumann's monthly fee statements for February, March, April and May 2025.

<sup>3</sup> The total amount of the retainer was \$40,738.00, however McManimon, Scotland & Baumann was paid \$9,430.50 for pre-petition fees, leaving a retainer in the amount \$31,307.50.

<sup>4</sup> This amount represents the 20% holdback on fees for McManimon, Scotland & Baumann's monthly fee statements for February, March, April and May 2025.

NAME OF PROFESSIONAL & TITLE	YEAR ADMITTED	HOURS	RATE	FEE
7. John Stern, Associate	2019	123.30	300.00	\$36,990.00
8. Scott D. Platton, Associate	2021	7.90	285.00	\$2,251.50
9. Connor Ashnault, Summer Assoc.	N/A	2.60	250.00	\$650.00
10. Isabella Fisher, Summer Assoc.	N/A	12.90	250.00	\$3,225.00
11. Stacy Lipstein, Legal Assistant	N/A	6.00	200.00	\$1,200.00
12. Bernadette B. Chillemi, Paralegal	N/A	4.40	190.00	\$836.00
13. Kathleen Riley, Paralegal	N/A	1.00	190.00	\$190.00
14. Matthew Kelly, Legal Assistant	N/A	3.30	190.00	\$627.00
<b>TOTAL:</b>		<b>607.50</b>		<b>\$309,751.50</b>

Fee Totals:	\$309,741.50
Disbursements Totals:	<u>6,441.01</u>
Total Fee Application	\$316,402.51

**SECTION II  
SUMMARY OF SERVICES**

<b>SERVICES RENDERED</b>	<b>HOURS</b>	<b>FEE</b>
<b>Asset Analysis and Recovery</b> Identification and review of potential assets including causes of action and non-litigation recoveries.	7.40	\$3,645.00
<b>Asset Disposition</b> Sales, leases, abandonment and related transaction work	44.80	\$22,187.50
<b>Avoidance Action Litigation</b> Preference and fraudulent transfer litigation.	17.10	\$8,932.50
<b>Business Operations</b> Issues related to debtor-in-possession operating in chapter 11 such as employee, vendor, tenant issues and other similar problems.	11.00	\$5,775.00
<b>Case Administration</b> Coordination and compliance activities, including preparation of statement of financial affairs, schedules, list of contracts, United States Trustee interim statements and operating reports; contacts with the United States Trustee; general creditor inquiries.	338.00	\$176,884.50
<b>Claims Administration and Objections</b> Specific claim inquiries; bar date motions; analyses, objections and allowance of claims.	29.10	\$11,993.00
<b>Employee Benefits/Pensions</b> Review issues such as severance, retention, 401K coverage and continuance of pension plan.	0.00	0.00
<b>Fee/Employment Applications</b> Preparations of employment and fee applications for self or others; motions to Establish interim procedures.	23.60	\$9,900.50
<b>Fee/Employment Objections</b> Review of an objections to the employment and fee applications of others.	0.00	0.00
<b>Financing</b> Matters under 361, 363 and 364 including cash collateral and secured claims; loan document analysis.	0.00	0.00
<b>Litigation</b> Other than Avoidance Action Litigation (there should be a separate category established for each major matter).	95.40	\$44,756.50

<b>Meetings of Creditors</b> Preparing for and attending the conference of creditors, the 341(a) meeting and other creditors' committee meetings.	12.40	\$7,670.00
<b>Plan and Disclosure Statement</b> Formulation, presentation and confirmation; compliance with the plan confirmation order, related orders and rules; disbursement and case closing activities, except those related to allowance and objections to allowance of claims.	1.00	\$322.50
<b>Relief from Stay Proceedings</b> Matters relating to termination or continuation of automatic stay under 362	7.20	\$4,322.00
<b>Accounting/Auditing</b> Activities related to maintaining and auditing books of account, preparation of financial statements and account analysis.	1.50	\$787.50
<b>Business Analysis</b> Preparation and review of company business plan; development and review of strategies; preparation and review of cash flow forecasts and feasibility studies.	1.10	\$577.50
<b>Corporate Finance</b> Review financial aspects of potential mergers, acquisitions and disposition of company or subsidiaries.	0.00	0.00
<b>Data Analysis</b> Management information systems review, installation and analysis, construction, maintenance and reporting of significant case financial data, lease rejection, claims, etc.	8.20	\$5,945.00
<b>Litigation Consulting</b> Providing consulting and expert witness services related to various bankruptcy matters such as insolvency, feasibility, avoiding actions; forensic accounting, etc.	0.00	0.00
<b>Reconstruction Accounting</b> Reconstructing books and records from past transactions and brining accounting current.	0.00	0.00
<b>Tax Issues</b> Analysis of tax issues and preparation of state and federal tax returns.	0.00	0.00
<b>Valuation</b> Appraise or review appraisals of assets.	0.00	0.00
<b>Travel Time</b>	9.70	\$6,052.50
<b>SERVICE TOTALS:</b>	<b>607.50</b>	<b>\$309,751.50</b>

**SECTION III  
SUMMARY OF DISBURSEMENTS**

<b>DISBURSEMENTS</b>	<b>AMOUNT</b>
<b>Filing Fees</b> Payable to the Clerk of the Court	\$2,367.00
<b>Computer Assisted Legal Research</b> Westlaw, Lexis and a description of manner calculated.	\$204.24
<b>Pacer Fees</b> Payable to the Pacer Service Center for search and/or print.	\$511.70
<b>In-house Reproduction Services</b> Exclusive of overhead charges.	\$122.80
<b>Other Research</b> Title searches, UCC searches, Asset searches, Accurint.	\$521.00
<b>Travel</b> Mileage, tolls, airfare, parking.	\$647.53
<b>Courier &amp; Express Carriers</b> Overnight and personal delivery.	\$556.34
<b>Postage</b>	\$1,510.40
<b>Other</b>	0.00
<b>DISBURSEMENTS TOTAL:</b>	<b>\$6,441.01</b>

I certify under penalty of perjury that the above is true.

Dated: June 30, 2025

/s/ Sari B. Placona  
Sari B. Placona

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**McMANIMON, SCOTLAND  
& BAUMANN, LLC**

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*Counsel for Daryl Fred Heller, the Chapter 11  
Debtor and Debtor-in-Possession*

In re:

DARYL FRED HELLER,

Debtor.

Chapter 11

Case No. 25-11354 (JNP)

**Hearing Date: August 7, 2025**

**Hearing Time: 2:00 p.m.**

**FIRST INTERIM APPLICATION FOR ALLOWANCE OF FEES AND  
REIMBURSEMENT OF EXPENSES TO McMANIMON, SCOTLAND &  
BAUMANN, LLC, COUNSEL FOR DEBTOR, FOR THE PERIOD FROM  
FEBRUARY 10, 2025, THROUGH MAY 31, 2025**

McManimon, Scotland & Baumann, LLC (“MSB”), as counsel for Fred Daryl Heller, the debtor and debtor-in-possession (the “Debtor”), hereby submits this first interim application (the “Application”) pursuant to 11 U.S.C. sections 330 and 331, Rule 2016 of the Federal Rules of Bankruptcy Procedure, and D.N.J. LBR 2016-1 for entry of an order allowing and directing payment to MSB on a first interim basis for (i) compensation in the amount of \$309,961.50 for services rendered to the Debtor during the period from February 10, 2025 through May 31, 2025 (the “Fee Period”), and (ii) reimbursement of expenses incurred during the Fee Period in the amount of \$6,441.01, for a total request of \$316,402.51, and in support of this Application, respectfully represents as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction to consider this Application pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).
2. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

### **BACKGROUND**

3. On February 10, 2025 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code, commencing the above-captioned chapter 11 case in the United States Bankruptcy Court for the District of New Jersey. [ECF 1].

4. On February 11, 2025, MSB filed an Application for Retention of McManimon, Scotland & Baumann, LLC as Counsel for the Debtor (the “Retention Application”) [ECF 7].

5. On March 21, 2025, the Court entered the Order granting the Retention Application [ECF 138].

6. On March 2, 2025, MSB filed the Motion for Administrative Fee Order Establishing Certain Procedures for the Allowance of Interim Compensation and Reimbursement of Expenses of Professionals Retained by Order of This Court (the “Motion for Interim Compensation”) [ECF 98].

7. On April 3, 2025, the Court entered the Order granting the Motion for Interim Compensation (the “Interim Compensation Order”) [Docket No. 170], authorizing MSB to submit monthly applications (the “Monthly Fee Applications”) for interim compensation and reimbursement of expenses, pursuant to the procedures specified therein.

### **MSB’S APPLICATION FOR COMPENSATION AND FOR REIMBURSEMENT OF EXPENSES**

8. MSB’s monthly fee statements (the “Monthly Fee Statements”) for the periods from February 10, 2025 through May 31, 2025 have been filed and served pursuant to the Interim Compensation Order.

9. On April 9, 2025, MSB filed the First Monthly Fee Statement for the Period from February 1, 2025 through February 28, 2025 [ECF 173] (the “First Monthly Fee Statement”) requesting \$78,097.50 in fees and \$2,327.53 in expenses. The Certificate of No Objection for the First Monthly Fee Statement was filed on April 25, 2025 [ECF 201].

10. On April 10, 2025, MSB filed the Second Monthly Fee Statement for the Period from March 1, 2025 through March 31, 2025 [ECF 175] (the “Second Monthly Fee Statement”) requesting \$70,427.00 in fees and \$2,016.21 in expenses. The Certificate of No Objection for the Second Monthly Fee Statement was filed on April 25, 2025 [ECF 202].

11. On May 9, 2025, MSB filed the Third Monthly Fee Statement for the Period from April 1, 2025 through April 20, 2025 [ECF 229] (the “Third Monthly Fee Statement”) requesting \$92,998.00 in fees and \$1,599.75 in expenses. The Certificate of No Objection for the Third Monthly Fee Statement was filed on May 28, 2025 [ECF 286].

12. On May 9, 2025, MSB filed the Fourth Monthly Fee Statement for the Period from May 1, 2025 through May 31, 2025 [ECF 335] (the “Fourth Monthly Fee Statement”) requesting \$68,439.00 in fees and \$497.52 in expenses. The Certificate of No Objection for the Fourth Monthly Fee Statement was filed on June 29, 2025 [ECF 365].

13. In accordance with the Interim Compensation Order, MSB seeks interim approval of all fees and expenses sought in the Monthly Fee Statements and payment in an amount equal to the difference between the amount of the fees and expenses allowed and the actual payments received by MSB on account of the Monthly Fee Statements.

14. MSB has made no prior application for an allowance of fees and expenses in the within matter.

#### **SUMMARY OF SERVICES RENDERED**

15. By the within Application, MSB seeks an allowance of fees for services performed for the benefit of the Debtor during the Fee Period and reimbursement for actual out-of-pocket expenses made during such period of time.

16. During the Fee Period, MSB performed a wide variety of legal services in connection with this matter including, but not limited to, the following:



- attended meetings and conferred with Debtor and Debtor's professionals regarding, among other things, the following: bankruptcy issues; preparation for chapter 11 filing, chapter 11 issues, financials, chart of bank accounts, organizational structure, real estate valuations and uses, sale of property, US Trustee issues, proof of claims, amendments to schedules, insurance on property; monthly operating reports, utilities, professional fees and sale issues;
- prepared and filed Chapter 11 petition, list of 20 largest unsecured creditors, schedules of assets and liabilities, statement financial affairs and disclosure of attorney compensation;
- prepared and filed first day bank account and utility motions, declaration of the Debtor in support of the Chapter 11 Petition and first day pleadings;
- prepared and filed notices of removal of various actions against the Debtor pending in other courts.
- prepared and filed retention application for MSB, real estate broker, accountants and criminal counsel;
- prepare and filed amendments to schedules;
- prepared and filed sale motion to sell the property located in Sea Isle New Jersey;
- prepared and filed status reports in adversary proceedings;
- prepared and filed motion for an administrative fee order;
- prepared and filed 9019 motion between the Debtor and Deerfield Capital "(Deerfield)";
- prepared and filed motion to extend exclusivity;
- prepared and filed motion to expunge Prestige's claims;
- prepared and file application to release funds from MSB attorney trust account on account of the Monthly Fee Statements;
- prepared and filed various objections, including and not limited to, Deerfield's motion for stay relief; Orrstown Bank's ("Orrstown") motion to transfer venue; Reed Smith's retention application; Prestige's stay motion; Prestige's motion to appoint a chapter 11 trustee; Examiner's counsel's fees;
- prepared and filed various replies, including and not limited to, Deerfield's objection to MSB's retention; Orrstown's objection to MSB's application to release funds; UST's objection to McCarter & English's retention; various objections to 9019 motion with Deerfield and Orrstown;
- prepared for, appeared at and travelled to court on various hearings;
- prepared for and attended Initial Debtor Interview and 341(a) Meeting of Creditors;
- reviewed and analyzed various motions, objections, replies and orders.
- reviewed and analyzed claims and claims register;
- prepared and filed monthly fee statements and related certifications of no objection;
- reviewed and filed monthly operating reports.
- reviewed and analyzed term sheet provided by Deerfield;
- review and analyzed various complaints filed in adversary proceedings against the Debtor;
- prepared chart of all nondischargeability complaints;
- meetings with the Examiner and review of Examiner Report;
- communications with numerous creditors; and
- reviewed and analyzed subpoenas.

17. In addition to the aforementioned services, MSB performed a variety of other legal services on the Debtor's behalf, including, but not limited to, numerous telephone conversations and correspondence with various counsel, creditors and Bankruptcy Court, drafting and reviewing correspondence, engaging in continuous discussions and correspondence with the United States Trustee's Office and the Debtor regarding the Chapter 11 proceedings, review of Bankruptcy Court docket, and other services as necessary.

18. All of the services rendered by MSB were necessary and for the benefit to the within estate.

19. MSB shows that annexed hereto as **Exhibit A** is its in-house computer print-out itemizing all services performed during the Fee Period.

20. MSB further shows that, as reflected on **Exhibit B** attached hereto, a Certification in accordance with Section 504 of the Bankruptcy Code and 18 U.S.C. § 155 is being submitted herewith.

**WHEREFORE**, McManimon, Scotland & Baumann, LLC, respectfully requests that an order be entered herein (i) granting it a first interim allowance for fees in the amount of \$309,961.50 and reimbursement of out-of-pocket expenses in the amount of \$6,441.01, for a total award of \$316,402.51; (ii) authorizing the Debtor to pay the outstanding amount of such sums due to MSB; and (iii) for such other and further relief as may be just and proper.

Respectfully submitted,

**McMANIMON, SCOTLAND  
& BAUMANN, LLC**

*Counsel to Daryl Fred Heller, Chapter  
11 Debtor and Debtor-in-Possession*

By: /s/ Sari B. Placona  
Sari B. Placona

Dated: June 30, 2025